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14 Attorneys for Plaintiffs

15 **UNITED STATES DISTRICT COURT**  
16 **FOR THE DISTRICT OF WYOMING**

17 **ESTATE OF RUSSELL MONACO, BY AND )**  
18 **THROUGH KATHY MONACO, WRONGFUL )**  
19 **DEATH REPRESENTATIVE AND )**  
20 **PERSONAL REPRESENTATIVE, AND )**  
21 **KATHY MONACO, INDIVIDUALLY AND )**  
22 **ON BEHALF OF MINOR CHILDREN, )**

23 **Plaintiffs,**

**vs.**

**HARLEY G. MORRELL, PA-C, JOHN )**  
**SCHNEIDER, JR., M.D., NORTHERN )**  
**ROCKIES NEURO-SPINE, P.C., a Wyoming )**  
**Corporation, AND JOHN DOES 1 THROUGH )**  
**10, )**

**Defendants.**

**13-CV-151S**

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**STATUS REPORT**

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**COME NOW Plaintiffs Estate of Russell Monaco, by and through Kathy Monaco,**

1 Wrongful Death Representative and Personal Representative, and Kathy Monaco, individually  
2 and on behalf of her minor children (“Plaintiffs”), by and through their undersigned counsel of  
3 record, and for their status report to the Court states that the only claims that remain are against  
4 John Henry Schneider and his professional entities which claims were stayed due to the  
5 Chapter VII bankruptcy filed by John Henry Schneider in United States Bankruptcy Court for  
6 the District of Montana, case number 14-61357. In the bankruptcy, Dr. Schneider did not  
7 contest the current claims by Plaintiffs; following the conclusion of the bankruptcy, Dr.  
8 Schneider was not discharged of the current claim.

9 Defendant Nothern Rockies Neuro Spine, P.C. did not seek bankruptcy protection.  
10 John Henry Schneider was then convicted of bankruptcy fraud in United States District Court  
11 of Montana, Docket Number 17-CR-00077, and ordered to make restitution of \$309,000.00.  
12 Dr. Schneider pleaded guilty to the non-disclosure of property belonging to the bankruptcy  
13 estate and was sentenced on August 15, 2018 to twenty-four months in prison. He is currently  
14 incarcerated in MCC San Diego.

15 The bankruptcy final settlement was presented to the U.S. Trustee for approval.  
16 Currently, Dr. Schneider is not making the Court-ordered restitution payments. Counsel for  
17 Plaintiff requested the Montana U.S. District Court to order Defendant Schneider to make full  
18 restitution and impose fines. The U.S. District Court denied the request, stating “While he  
19 remains in prison, he is not in a position to make substantial payments. But when he is  
20 released, he must ‘make payments at a rate of \$12,872.70 per month, or as otherwise directed by  
21 the United States Probation.’”

1 Plaintiffs intend to dismiss this case and will undertake circulation of an appropriate  
2 stipulated motion for dismissal for presentation to the Court.

3 DATED this 27<sup>th</sup> day of September, 2019.

4 MOYERS LAW P.C.

5 By: /s/ Jon M. Moyers

6 Jon M. Moyers  
7 Wyo. State Bar #6-3661

8 Attorney for Plaintiffs

9 **CERTIFICATE OF SERVICE**

10 I hereby certify that on this 27<sup>th</sup> day of September, 2019, I electronically filed the  
11 foregoing with the Clerk of the Court using CM/ECF System which will send notification of  
12 such filing to the following:

13 Jon M. Moyers [jon@jmoyerslaw.com](mailto:jon@jmoyerslaw.com), [sherri@jmoyerslaw.com](mailto:sherri@jmoyerslaw.com)

14 Alfred F. Paoli [fred@paolibrown.com](mailto:fred@paolibrown.com); [legal@paolibrown.com](mailto:legal@paolibrown.com)

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18 I hereby certify that I have mailed by United States Postal Service the document to the  
19 following non CM/ECF participants:

20 *No manual recipients.*

21 MOYERS LAW P.C.

22 By: /s/ Jon M. Moyers

23 Jon M. Moyers  
Wyo. State Bar #6-3661